STATE OF CONNECTICUT

House of Representatives

General Assembly

File No. 277

January Session, 2017

House Bill No. 5140

House of Representatives, March 29, 2017

The Committee on Insurance and Real Estate reported through REP. SCANLON of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING REIMBURSEMENTS TO HEALTH CARE PROVIDERS FOR SUBSTANCE ABUSE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 38a-488a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):
- 3 (a) For the purposes of this section: (1) "Mental or nervous
- 4 conditions" means mental disorders, as defined in the most recent
- 5 edition of the American Psychiatric Association's "Diagnostic and
- 6 Statistical Manual of Mental Disorders". "Mental or nervous
- 7 conditions" does not include (A) intellectual disabilities, (B) specific
- 8 learning disorders, (C) motor disorders, (D) communication disorders,
- 9 (E) caffeine-related disorders, (F) relational problems, and (G) other
- 10 conditions that may be a focus of clinical attention, that are not
- 11 otherwise defined as mental disorders in the most recent edition of the
- 12 American Psychiatric Association's "Diagnostic and Statistical Manual
- of Mental Disorders"; (2) "benefits payable" means the usual,
- 14 customary and reasonable charges for treatment deemed necessary

15 under generally accepted medical standards, except that in the case of 16 a managed care plan, as defined in section 38a-478, "benefits payable" 17 means the payments agreed upon in the contract between a managed 18 care organization, as defined in section 38a-478, and a provider, as 19 defined in section 38a-478; (3) "acute treatment services" means 20 twenty-four-hour medically supervised treatment for a substance use 21 disorder, that is provided in a medically managed or medically 22 monitored inpatient facility; and (4) "clinical stabilization services" 23 twenty-four-hour clinically managed postdetoxification 24 treatment, including, but not limited to, relapse prevention, family 25 outreach, aftercare planning and addiction education and counseling.

- (b) Each individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, renewed, amended or continued in this state shall provide benefits for the diagnosis and treatment of mental or nervous conditions. Benefits payable include, but need not be limited to:
- 32 (1) General inpatient hospitalization, including in state-operated 33 facilities;
- 34 (2) Medically necessary acute treatment services and medically necessary clinical stabilization services;
- 36 (3) General hospital outpatient services, including at state-operated facilities;
- 38 (4) Psychiatric inpatient hospitalization, including in state-operated facilities;
- 40 (5) Psychiatric outpatient hospital services, including at state-41 operated facilities;
- 42 (6) Intensive outpatient services, including at state-operated 43 facilities;
- 44 (7) Partial hospitalization, including at state-operated facilities;

45 (8) Evidence-based maternal, infant and early childhood home

- 46 visitation services, as described in Section 2951 of the Patient
- 47 Protection and Affordable Care Act, P.L. 111-148, as amended from
- 48 time to time, that are designed to improve health outcomes for
- 49 pregnant women, postpartum mothers and newborns and children,
- 50 including, but not limited to, for maternal substance use disorders or
- 51 depression and relationship-focused interventions for children with
- 52 mental or nervous conditions or substance use disorders;
- 53 (9) Intensive, home-based services designed to address specific 54 mental or nervous conditions in a child;
- 55 (10) Evidence-based family-focused therapy that specializes in the 56 treatment of juvenile substance use disorders;
- 57 (11) Short-term family therapy intervention;
- 58 (12) Nonhospital inpatient detoxification;
- 59 (13) Medically monitored detoxification;
- 60 (14) Ambulatory detoxification;
- 61 (15) Inpatient services at psychiatric residential treatment facilities;
- 62 (16) Rehabilitation services provided in residential treatment
- 63 facilities, general hospitals, psychiatric hospitals or psychiatric
- 64 facilities;
- 65 (17) Observation beds in acute hospital settings;
- 66 (18) Psychological and neuropsychological testing conducted by an
- 67 appropriately licensed health care provider;
- 68 (19) Trauma screening conducted by a licensed behavioral health
- 69 professional;
- 70 (20) Depression screening, including maternal depression screening,
- 71 conducted by a licensed behavioral health professional;

72 (21) Substance use screening conducted by a licensed behavioral health professional;

- 74 (22) Intensive, family-based and community-based treatment 75 programs that focus on addressing environmental systems that impact 76 chronic and violent juvenile offenders;
- 77 (23) Other home-based therapeutic interventions for children;
- 78 (24) Chemical maintenance treatment, as defined in section 19a-495-79 570 of the regulations of Connecticut state agencies; and
- 80 (25) Extended day treatment programs, as described in section 17a-81 22.
- 82 (c) No such policy shall establish any terms, conditions or benefits 83 that place a greater financial burden on an insured for access to 84 diagnosis or treatment of mental or nervous conditions than for 85 diagnosis or treatment of medical, surgical or other physical health 86 conditions, or prohibit an insured from obtaining or a health care 87 provider from being reimbursed for multiple screening services as part 88 of a single-day visit to a health care provider or a multicare institution, 89 as defined in section 19a-490.
 - (d) In the case of benefits payable for the services of a licensed physician, such benefits shall be payable for the same services when such services are lawfully rendered by a psychologist licensed under the provisions of chapter 383 or by such a licensed psychologist in a licensed hospital or clinic.
- 95 (e) In the case of benefits payable for the services of a licensed 96 physician or psychologist, such benefits shall be payable for the same 97 services when such services are rendered by:
- 98 (1) A clinical social worker who is licensed under the provisions of 99 chapter 383b and who has passed the clinical examination of the 100 American Association of State Social Work Boards and has completed 101 at least two thousand hours of post-master's social work experience in

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102 a nonprofit agency qualifying as a tax-exempt organization under

- Section 501(c) of the Internal Revenue Code of 1986 or any subsequent
- 104 corresponding internal revenue code of the United States, as from time
- 105 to time amended, in a municipal, state or federal agency or in an
- institution licensed by the Department of Public Health under section
- 107 19a-490;
- 108 (2) A social worker who was certified as an independent social
- 109 worker under the provisions of chapter 383b prior to October 1, 1990;
- 110 (3) A licensed marital and family therapist who has completed at
- least two thousand hours of post-master's marriage and family therapy
- 112 work experience in a nonprofit agency qualifying as a tax-exempt
- organization under Section 501(c) of the Internal Revenue Code of 1986
- or any subsequent corresponding internal revenue code of the United
- 115 States, as from time to time amended, in a municipal, state or federal
- agency or in an institution licensed by the Department of Public Health
- 117 under section 19a-490;
- 118 (4) A marital and family therapist who was certified under the
- provisions of chapter 383a prior to October 1, 1992;
- 120 (5) A licensed alcohol and drug counselor, as defined in section 20-
- 121 74s, or a certified alcohol and drug counselor, as defined in section 20-
- 122 74s;
- 123 (6) A licensed professional counselor; or
- 124 (7) An advanced practice registered nurse licensed under chapter
- 125 378.
- (f) (1) In the case of benefits payable for the services of a licensed
- physician, such benefits shall be payable for (A) services rendered in a
- 128 child guidance clinic or residential treatment facility by a person with a
- master's degree in social work or by a person with a master's degree in
- marriage and family therapy under the supervision of a psychiatrist,
- 131 physician, licensed marital and family therapist, or licensed clinical
- social worker who is eligible for reimbursement under subdivisions (1)

to (4), inclusive, of subsection (e) of this section; (B) services rendered in a residential treatment facility by a licensed or certified alcohol and drug counselor who is eligible for reimbursement under subdivision (5) of subsection (e) of this section; or (C) services rendered in a residential treatment facility by a licensed professional counselor who is eligible for reimbursement under subdivision (6) of subsection (e) of this section.

(2) In the case of benefits payable for the services of a licensed psychologist under subsection (e) of this section, such benefits shall be payable for (A) services rendered in a child guidance clinic or residential treatment facility by a person with a master's degree in social work or by a person with a master's degree in marriage and family therapy under the supervision of such licensed psychologist, licensed marital and family therapist, or licensed clinical social worker who is eligible for reimbursement under subdivisions (1) to (4), inclusive, of subsection (e) of this section; (B) services rendered in a residential treatment facility by a licensed or certified alcohol and drug counselor who is eligible for reimbursement under subdivision (5) of subsection (e) of this section; or (C) services rendered in a residential treatment facility by a licensed professional counselor who is eligible for reimbursement under subdivision (6) of subsection (e) of this section.

(g) In the case of benefits payable for the service of a licensed physician practicing as a psychiatrist or a licensed psychologist, under subsection (e) of this section, such benefits shall be payable for outpatient services rendered (1) in a nonprofit community mental health center, as defined by the Department of Mental Health and Addiction Services, in a nonprofit licensed adult psychiatric clinic operated by an accredited hospital or in a residential treatment facility; (2) under the supervision of a licensed physician practicing as a psychiatrist, a licensed psychologist, a licensed marital and family therapist, a licensed clinical social worker, a licensed or certified alcohol and drug counselor or a licensed professional counselor who is eligible for reimbursement under subdivisions (1) to (6), inclusive, of

subsection (e) of this section; and (3) within the scope of the license issued to the center or clinic by the Department of Public Health or to the residential treatment facility by the Department of Children and Families.

- (h) Except in the case of emergency services or in the case of services for which an individual has been referred by a physician affiliated with a health care center, nothing in this section shall be construed to require a health care center to provide benefits under this section through facilities that are not affiliated with the health care center.
- 176 (i) In the case of any person admitted to a state institution or facility 177 administered by the Department of Mental Health and Addiction 178 Services, Department of Public Health, Department of Children and 179 Families or the Department of Developmental Services, the state shall 180 have a lien upon the proceeds of any coverage available to such person 181 or a legally liable relative of such person under the terms of this 182 section, to the extent of the per capita cost of such person's care. Except 183 in the case of emergency services, the provisions of this subsection 184 shall not apply to coverage provided under a managed care plan, as defined in section 38a-478. 185
 - (j) In the case of benefits payable for services for the diagnosis or treatment of a substance use disorder rendered by a licensed health care provider who is eligible for reimbursement under this section, reimbursement shall be paid directly to the provider who rendered such services. The insured who received such services shall be deemed to have made an assignment to such provider of the insured's coverage reimbursement benefits and other rights under the insured's individual health insurance policy, as described in subsection (b) of this section.
- Sec. 2. Section 38a-514 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2018*):
- 197 (a) For the purposes of this section: (1) "Mental or nervous conditions" means mental disorders, as defined in the most recent

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edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". "Mental or nervous conditions" does not include (A) intellectual disabilities, (B) specific learning disorders, (C) motor disorders, (D) communication disorders, (E) caffeine-related disorders, (F) relational problems, and (G) other conditions that may be a focus of clinical attention, that are not otherwise defined as mental disorders in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; (2) "benefits payable" means the usual, customary and reasonable charges for treatment deemed necessary under generally accepted medical standards, except that in the case of a managed care plan, as defined in section 38a-478, "benefits payable" means the payments agreed upon in the contract between a managed care organization, as defined in section 38a-478, and a provider, as defined in section 38a-478; (3) "acute treatment services" means twenty-four-hour medically supervised treatment for a substance use disorder, that is provided in a medically managed or medically monitored inpatient facility; and (4) "clinical stabilization services" twenty-four-hour clinically managed postdetoxification means treatment, including, but not limited to, relapse prevention, family outreach, aftercare planning and addiction education and counseling.

- (b) Except as provided in subsection (j) of this section, each group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, renewed, amended or continued in this state shall provide benefits for the diagnosis and treatment of mental or nervous conditions. Benefits payable include, but need not be limited to:
- (1) General inpatient hospitalization, including in state-operated facilities;
- 228 (2) Medically necessary acute treatment services and medically 229 necessary clinical stabilization services;
- 230 (3) General hospital outpatient services, including at state-operated facilities;

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232 (4) Psychiatric inpatient hospitalization, including in state-operated facilities:

- 234 (5) Psychiatric outpatient hospital services, including at state-235 operated facilities;
- 236 (6) Intensive outpatient services, including at state-operated 237 facilities;
- 238 (7) Partial hospitalization, including at state-operated facilities;
- 239 (8) Evidence-based maternal, infant and early childhood home
- 240 visitation services, as described in Section 2951 of the Patient
- 241 Protection and Affordable Care Act, P.L. 111-148, as amended from
- 242 time to time, that are designed to improve health outcomes for
- 243 pregnant women, postpartum mothers and newborns and children,
- including, but not limited to, for maternal substance use disorders or
- 245 depression and relationship-focused interventions for children with
- 246 mental or nervous conditions or substance use disorders;
- 247 (9) Intensive, home-based services designed to address specific
- 248 mental or nervous conditions in a child;
- 249 (10) Evidence-based family-focused therapy that specializes in the
- 250 treatment of juvenile substance use disorders;
- 251 (11) Short-term family therapy intervention;
- 252 (12) Nonhospital inpatient detoxification;
- 253 (13) Medically monitored detoxification;
- 254 (14) Ambulatory detoxification;
- 255 (15) Inpatient services at psychiatric residential treatment facilities;
- 256 (16) Rehabilitation services provided in residential treatment
- 257 facilities, general hospitals, psychiatric hospitals or psychiatric
- 258 facilities;

- 259 (17) Observation beds in acute hospital settings;
- 260 (18) Psychological and neuropsychological testing conducted by an 261 appropriately licensed health care provider;
- 262 (19) Trauma screening conducted by a licensed behavioral health 263 professional;
- (20) Depression screening, including maternal depression screening,
 conducted by a licensed behavioral health professional;
- 266 (21) Substance use screening conducted by a licensed behavioral 267 health professional;
- 268 (22) Intensive, family-based and community-based treatment 269 programs that focus on addressing environmental systems that impact 270 chronic and violent juvenile offenders;
- 271 (23) Other home-based therapeutic interventions for children;
- (24) Chemical maintenance treatment, as defined in section 19a-495 570 of the regulations of Connecticut state agencies; and
- 274 (25) Extended day treatment programs, as described in section 17a-275 22.
- 276 (c) No such group policy shall establish any terms, conditions or 277 benefits that place a greater financial burden on an insured for access 278 to diagnosis or treatment of mental or nervous conditions than for 279 diagnosis or treatment of medical, surgical or other physical health 280 conditions, or prohibit an insured from obtaining or a health care 281 provider from being reimbursed for multiple screening services as part 282 of a single-day visit to a health care provider or a multicare institution, 283 as defined in section 19a-490.
 - (d) In the case of benefits payable for the services of a licensed physician, such benefits shall be payable for the same services when such services are lawfully rendered by a psychologist licensed under the provisions of chapter 383 or by such a licensed psychologist in a

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- 288 licensed hospital or clinic.
- (e) In the case of benefits payable for the services of a licensed physician or psychologist, such benefits shall be payable for the same services when such services are rendered by:
- 292 (1) A clinical social worker who is licensed under the provisions of 293 chapter 383b and who has passed the clinical examination of the 294 American Association of State Social Work Boards and has completed 295 at least two thousand hours of post-master's social work experience in 296 a nonprofit agency qualifying as a tax-exempt organization under 297 Section 501(c) of the Internal Revenue Code of 1986 or any subsequent 298 corresponding internal revenue code of the United States, as from time 299 to time amended, in a municipal, state or federal agency or in an 300 institution licensed by the Department of Public Health under section 301 19a-490;
- 302 (2) A social worker who was certified as an independent social worker under the provisions of chapter 383b prior to October 1, 1990;
 - (3) A licensed marital and family therapist who has completed at least two thousand hours of post-master's marriage and family therapy work experience in a nonprofit agency qualifying as a tax-exempt organization under Section 501(c) of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States, as from time to time amended, in a municipal, state or federal agency or in an institution licensed by the Department of Public Health under section 19a-490;
- 312 (4) A marital and family therapist who was certified under the 313 provisions of chapter 383a prior to October 1, 1992;
- 314 (5) A licensed alcohol and drug counselor, as defined in section 20-315 74s, or a certified alcohol and drug counselor, as defined in section 20-316 74s;
- 317 (6) A licensed professional counselor; or

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318 (7) An advanced practice registered nurse licensed under chapter 319 378.

- (f) (1) In the case of benefits payable for the services of a licensed physician, such benefits shall be payable for (A) services rendered in a child guidance clinic or residential treatment facility by a person with a master's degree in social work or by a person with a master's degree in marriage and family therapy under the supervision of a psychiatrist, physician, licensed marital and family therapist or licensed clinical social worker who is eligible for reimbursement under subdivisions (1) to (4), inclusive, of subsection (e) of this section; (B) services rendered in a residential treatment facility by a licensed or certified alcohol and drug counselor who is eligible for reimbursement under subdivision (5) of subsection (e) of this section; or (C) services rendered in a residential treatment facility by a licensed professional counselor who is eligible for reimbursement under subdivision (6) of subsection (e) of this section.
- (2) In the case of benefits payable for the services of a licensed psychologist under subsection (e) of this section, such benefits shall be payable for (A) services rendered in a child guidance clinic or residential treatment facility by a person with a master's degree in social work or by a person with a master's degree in marriage and family therapy under the supervision of such licensed psychologist, licensed marital and family therapist or licensed clinical social worker who is eligible for reimbursement under subdivisions (1) to (4), inclusive, of subsection (e) of this section; (B) services rendered in a residential treatment facility by a licensed or certified alcohol and drug counselor who is eligible for reimbursement under subdivision (5) of subsection (e) of this section; or (C) services rendered in a residential treatment facility by a licensed professional counselor who is eligible for reimbursement under subdivision (6) of subsection (e) of this section.
- (g) In the case of benefits payable for the service of a licensed physician practicing as a psychiatrist or a licensed psychologist, under

subsection (e) of this section, such benefits shall be payable for outpatient services rendered (1) in a nonprofit community mental health center, as defined by the Department of Mental Health and Addiction Services, in a nonprofit licensed adult psychiatric clinic operated by an accredited hospital or in a residential treatment facility; (2) under the supervision of a licensed physician practicing as a psychiatrist, a licensed psychologist, a licensed marital and family therapist, a licensed clinical social worker, a licensed or certified alcohol and drug counselor, or a licensed professional counselor who is eligible for reimbursement under subdivisions (1) to (6), inclusive, of subsection (e) of this section; and (3) within the scope of the license issued to the center or clinic by the Department of Public Health or to the residential treatment facility by the Department of Children and Families.

- (h) Except in the case of emergency services or in the case of services for which an individual has been referred by a physician affiliated with a health care center, nothing in this section shall be construed to require a health care center to provide benefits under this section through facilities that are not affiliated with the health care center.
- (i) In the case of any person admitted to a state institution or facility administered by the Department of Mental Health and Addiction Services, Department of Public Health, Department of Children and Families or the Department of Developmental Services, the state shall have a lien upon the proceeds of any coverage available to such person or a legally liable relative of such person under the terms of this section, to the extent of the per capita cost of such person's care. Except in the case of emergency services the provisions of this subsection shall not apply to coverage provided under a managed care plan, as defined in section 38a-478.
- (j) A group health insurance policy may exclude the benefits required by this section if such benefits are included in a separate policy issued to the same group by an insurance company, health care center, hospital service corporation, medical service corporation or

fraternal benefit society. Such separate policy, which shall include the benefits required by this section and the benefits required by section 38a-533, shall not be required to include any other benefits mandated by this title.

- (k) In the case of benefits based upon confinement in a residential treatment facility, such benefits shall be payable in situations in which the insured has a serious mental or nervous condition that substantially impairs the insured's thoughts, perception of reality, emotional process or judgment or grossly impairs the behavior of the insured, and, upon an assessment of the insured by a physician, psychiatrist, psychologist or clinical social worker, cannot appropriately, safely or effectively be treated in an acute care, partial hospitalization, intensive outpatient or outpatient setting.
- (l) The services rendered for which benefits are to be paid for confinement in a residential treatment facility shall be based on an individual treatment plan. For purposes of this section, the term "individual treatment plan" means a treatment plan prescribed by a physician with specific attainable goals and objectives appropriate to both the patient and the treatment modality of the program.
- (m) In the case of benefits payable for services for the diagnosis or treatment of a substance use disorder rendered by a licensed health care provider who is eligible for reimbursement under this section, reimbursement shall be paid directly to the provider who rendered such services. The insured who received such services shall be deemed to have made an assignment to such provider of the insured's coverage reimbursement benefits or other rights under the insured's group health insurance policy, as described in subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2018	38a-488a
Sec. 2	January 1, 2018	38a-514

INS Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill is not anticipated to result in a fiscal impact to the state or municipalities as the bill does not change the scope of covered benefits or member cost sharing required by state or municipal health plans. For in-network benefits for state plan members; the member is responsible for any applicable copays and/or deductibles. For out-of-network benefits, the member is responsible for the out-of-network deductible as well as coinsurance of approximately 20%. In addition, the member is responsible for 100% of any costs the provider bills over the maximum allowable cost.¹ These terms are unchanged by the bill. The bill does not prohibit the provider from balance billing the member for any costs not covered by the plan.

The bill requires health plans to reimburse providers directly for services provided for the diagnosis or treatment of substance use disorder.

The Out Years

State Impact: None

Municipal Impact: None

¹ Source: State of Connecticut Health Benefit Plan Document, Updated as of September 2016.

OLR Bill Analysis HB 5140

AN ACT CONCERNING REIMBURSEMENTS TO HEALTH CARE PROVIDERS FOR SUBSTANCE ABUSE SERVICES.

SUMMARY

This bill requires certain health insurance policies to pay some health care providers directly for the diagnosis or treatment of a substance use disorder. It does so by deeming that an insured receiving such diagnosis or treatment has assigned his or her reimbursement benefits and other rights under the health insurance policy to the provider. (The bill does not clarify what "other rights" entails.)

By law, these health insurance policies must cover the diagnosis and treatment of mental or nervous conditions, including substance use disorders, when they are provided by a (1) licensed physician, advanced practice registered nurse, psychologist, clinical social worker, marital and family therapist, or professional counselor, (2) certain certified marital and family therapists or independent social workers, or (3) licensed or certified alcohol and drug counselors.

The bill applies to individual and group health insurance policies issued, delivered, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services, including those provided through an HMO. Due to the federal Employee Retirement Income Security Act, state insurance mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2018

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 21 Nay 0 (03/15/2017)